

Atty Docket No.: 4167-00100
(formerly 4113-00100)

Patent

INTERVIEW SUMMARY

The Applicant thanks the Examiner for having an interview with Applicant's attorney, Michael Piper, on October 25, 2005 to discuss this case. In the interview, all claims and the applied references were discussed. In particular, Applicant's attorney pointed out that none of the references teaches or suggests labeling a plurality of food items on a food bar with labels indicating a plurality of menu items or meals in which each food item is used. The prior art generally discloses menus or recipes that list all the food items used in a particular meal, but require that someone remember the list of food items and collect the food items by name to assemble the meal. In the present invention, the person collecting food items needs to remember only one thing, the unique identifier for the meal being assembled, and can find all the appropriate food items, because the food items have the meal identifiers attached to them.

While no agreement was reached, the Examiner suggested certain changes in claim language to clarify the direction of the invention. Instead of "sets" of food items, the Examiner suggested "menu items" or "meals". Instead of a "display" the Examiner suggest a "menu". The Examiner also suggested that the system and method claims should be focused on a restaurant in which a plurality of food items are selected to be cooked together.

REMARKS

Claims 1-34 are currently pending in this Application. By the office action of August 18, 2005, the Examiner has rejected Claims 1-34 on various grounds discussed

Atty Docket No.: 4167-00100
(formerly 4113-00100)

Patent

below. The Applicant respectfully traverses these rejections. Reconsideration is requested.

By this amendment, claims 1-34 have been amended generally as suggested by the Examiner. For example, the claims now cover systems and methods for assembling a meal in a restaurant.

Claim Rejections – 35 U.S.C. § 103

Claims 1-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Swift, US Patent No. 3,162,495 in view of Colby, US Patent No. 1,598,849. The Examiner asserts that Swift discloses a food serving table with removable food containing trays that read on Applicant's food item display container. The Examiner notes that Swift fails to disclose a container label, but asserts that use of such indicia is well known in the art. The Examiner further asserts that Colby teaches tags 22 associated with particular display table bins and asserts that the tags 22 read on Applicant's labels. The Examiner asserts that it would have been obvious to associate the tags of Colby with each tray of Swift to provide an effective food identification means.

In addition the Examiner notes that Colby fails to teach unique identifier labels being associated with a particular set of food items, but asserts that such a labeling configuration is an obvious classification arrangement that would have been obvious to one of ordinary skill in the art.

Atty Docket No.: 4167-00100
(formerly 4113-00100)

Patent

The Applicant submits that the present invention does not relate to providing food identification tags or to providing a food classification arrangement. Instead the present invention is directed to a simple system by which a person needs to remember only one unique identifier, e.g. a color, and based on the one identifier can accurately collect all the food items needed to assemble a meal to which the unique identifier has been assigned. No combination of the prior art teaches or suggests such a system or method.

As noted by the Examiner, the Swift reference discloses a food serving table having a plurality of removable food containing trays. It is true that the present invention includes as one element a plurality of similar food item display containers.

The Colby reference teaches "price tags as 22, arranged ... to designate the price of the commodity with which they are associated." (Page 2, left col., lines 8-11) Colby does not teach that any information other than the price would be on the price tags 22.

The only obvious combination of Swift and Colby would be a food display table with removable display containers and price tags for each container.

The amended claims are directed to a food assembly system and method of the type where a plurality of food items are selected from display containers and are cooked

Atty Docket No.: 4167-00100
(formerly 4113-00100)

Patent

together. It is important that the selected food items be compatible. The person collecting the food items in the past has either made his own choices as to what items to select or may have been provided with a list of items and then could use the list to locate and select the items based on name tags or simple recognition of what the food items are. In the present invention, a number of menu items or meals are preselected by an expert to include compatible food items. Each menu item is given an arbitrary, but unique, identifier. Each food item is given a label that includes a plurality of the unique identifiers that include all the identifiers of menu items in which the food item is included. The person assembling a meal therefore needs to remember only one thing, that is the unique identifier and he can find all the food items needed to assemble the meal identified by the unique identifier. For example, instead of trying to carry and read a recipe to select the food items, the person may pick up a red card or dot and then find all the food items marked with the color red to collect the entire meal. Each food item would also be marked with other colors for all the other meals in which the item is included.

The Applicant submits that the cited art does not teach or suggest such a method or system for assembling a meal. As a result, the Applicant submits that the present claims are allowable over the cited references.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 50-1515, Conley Rose, P.C.

Atty Docket No.: 4167-00100
(formerly 4113-00100)

Patent

Applicant respectfully submits that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,

CONLEY ROSE, P.C.

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